

AMENDED IN SENATE JUNE 25, 1998  
AMENDED IN SENATE JUNE 15, 1998  
AMENDED IN ASSEMBLY APRIL 27, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2285**

**Introduced by Assembly Member Brown**

February 19, 1998

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An act to amend Sections 23386 and 25503.5 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2285, as amended, Brown. Alcoholic beverages: instruction: tastings.

The Alcoholic Beverage Control Act permits any person holding a manufacturer's, winegrower's, manufacturer's agent's, rectifier's, importer's, or wholesaler's license to give away samples of the alcoholic beverages that are authorized to be sold under that license. Existing law provides that a retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages. Existing law also authorizes distilled spirits manufacturers and winegrowers to conduct tastings of distilled spirits or wine at specified events.

The Alcoholic Beverage Control Act permits specified entities to instruct licensees and their employees in the subject of wine, beer, or distilled spirits, and to provide wine, beer, ~~and~~ or distilled spirits in connection with that instruction.

This bill would permit an on-sale retail licensee authorized to sell wine or distilled spirits, a winegrower, or a distilled spirits manufacturer to instruct consumers at an on-sale retail licensed premises. That consumer instruction may include furnishing wine or distilled spirits, subject to limitation on the quantity that may *be* provided to each consumer.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23386 of the Business and  
2 Professions Code is amended to read:

3 23386. (a) Any manufacturer's, wine grower's,  
4 manufacturer's agent's, rectifier's, importer's, or  
5 wholesaler's license also authorizes the giving away of  
6 samples of the alcoholic beverages that are authorized to  
7 be sold by the license under the rules that may be  
8 prescribed by the department. A retail license does not  
9 authorize the furnishing or giving away of any free  
10 samples of alcoholic beverages.

11 (b) Notwithstanding subdivision (a), an on-sale retail  
12 licensee authorized to sell wine may instruct consumers  
13 at the on-sale retail licensed premises regarding wines  
14 sold by the retail licensee. Notwithstanding subdivision  
15 (a), an on-sale retail licensee authorized to sell distilled  
16 spirits may instruct consumers at the on-sale retail  
17 licensed premises regarding distilled spirits. The  
18 instruction may include, without limitation, the history,  
19 nature, values, and characteristics of the product, and the  
20 methods of presenting and serving the product. The  
21 instruction of consumers may include the furnishing of  
22 not more than three tastings to any individual in one day.  
23 A single tasting of distilled spirits may not exceed  
24 one-fourth of one ounce and a single tasting of wine may  
25 not exceed one ounce. *Nothing in this subdivision shall*  
26 *limit the giving away of samples pursuant to subdivision*  
27 *(a).*

28 SEC. 2. Section 25503.5 of the Business and  
29 Professions Code is amended to read:



1 25503.5. (a) A winegrower, beer manufacturer, or a  
2 beer and wine wholesaler may, without charge, instruct  
3 licensees and their employees, or conduct courses of  
4 instruction for licensees and their employees, on the  
5 subject of wine or beer, including but not limited to, the  
6 history, nature, values, and characteristics of wine or  
7 beer, the use of wine lists, and the methods of presenting  
8 and serving wine or beer. The winegrower, beer  
9 manufacturer, or beer and wine wholesaler may furnish  
10 wine or beer and the equipment, materials and utensils  
11 that may be required for use in connection with the  
12 instruction or courses of instruction.

13 (b) A distilled spirits manufacturer, distilled spirits  
14 manufacturer's agent, distilled spirits general rectifier, or  
15 distilled spirits general importer may, without charge,  
16 instruct licensees and their employees, or conduct  
17 courses of instruction for licensees and their employees,  
18 on the subject of distilled spirits, including, but not  
19 limited to, the history, nature, values, and characteristics  
20 of distilled spirits, and the methods of presenting and  
21 serving distilled spirits. The distilled spirits manufacturer  
22 or distilled spirits manufacturer's agent may furnish  
23 distilled spirits and the equipment, materials, and utensils  
24 that may be required for use in connection with the  
25 instruction or courses of instruction.

26 (c) A winegrower or distilled spirits manufacturer, or  
27 its authorized agent may instruct consumers at an on-sale  
28 retail licensed premises authorized to sell its product with  
29 the permission of the retail on-sale licensee. The  
30 instruction may include, without limitation, the history,  
31 nature, values, and characteristics of the product and the  
32 methods of presenting and serving the product. The  
33 instruction of consumers may include the furnishing of  
34 not more than three tastings to any individual in one day.  
35 A single tasting of distilled spirits may not exceed  
36 one-fourth of one ounce and a single tasting of wine may  
37 not exceed one ounce. The winegrower or distilled spirits  
38 manufacturer, or its authorized agent shall remove any  
39 unfinished alcoholic beverages that he or she provided  
40 following the instruction. *Nothing in this subdivision shall*

1 *limit the giving away of samples pursuant to subdivision*  
2 *(a) of Section 23386.*

3 (d) The instruction or courses of instruction,  
4 authorized in subdivision (a) or (b), may be given at the  
5 premises of the winegrower, beer manufacturer, beer  
6 and wine wholesaler, distilled spirits manufacturer,  
7 distilled spirits manufacturer's agent, distilled spirits  
8 general rectifier, distilled spirits general importer or of a  
9 licensee, including an on-sale retail licensee, or  
10 elsewhere.

